

**City of Muskegon
Muskegon County, Michigan
Ordinance Amendment No. 2346**

THE CITY OF MUSKEGON HEREBY ORDAINS:

Chapter 10 “Buildings and Building Regulations,” Article VI “Property Maintenance Code,” Division 2, Subdivision III. “Rental Property” Section 10-352 of the Code of Ordinances of the City of Muskegon is amended as follows:

Subdivision III. Rental Property

Sec. 10-352. Certificate of compliance for rental dwellings.

(a) *Required.* Rental dwellings shall not be occupied without a certificate of compliance or a temporary certificate of compliance.

(b) *Issuance.* The city shall issue a certificate of compliance for a rental dwelling when the city finds that the rental dwelling, its units and accessory structures and yards comply with the standards set forth in this article. However, no certificate of compliance shall be issued **or retained unless**/until all of the following fees and debts to the city have been paid in full:

- (1) All previously billed property taxes;
- (2) All current or past due special assessment installments;
- (3) Water or sewer bills outstanding;
- (4) All charges against the property for mowing, cleanup, weed or debris removal and similar charges by the city;
- (5) Any fees, fines, penalties or debts of any sort arising from the provisions or enforcement of this **Chapter**.

(c) *Temporary certificates.*

- (1) Where a certificate of compliance is required, the city may issue a temporary certificate of compliance for the following reasons only:
 - a. For a newly registered rental dwelling until such time as the city is able to make a compliance inspection;
 - b. To enable the city to balance compliance inspection work loads;
 - c. To coincide with compliance time periods set forth in a notice citing violations of this article if such periods extend beyond the expiration date of a certificate;
 - d. A temporary certificate of compliance may be issued if an appeal contesting the obligation to pay the charges set forth in subsections (b)(2) through (b)(5) of this section is pending, and the appeal is bona fide and pursued to a timely conclusion. Thereafter, the property must qualify for a permanent certificate of occupancy,

and the temporary certificate shall be revoked. No temporary certificate may be issued if amounts due under subsection (b)(1) of this section are unpaid.

- (2) No temporary certificate of compliance shall be issued if any of the amounts set forth in subsections (b)(2) through (b)(5) of this section are unpaid and are not the subject of a bona fide timely appeal, or if there are significant health and safety defects present on the premises constituting an imminent danger to life, health or property.

(d) *Validity.* A certificate of compliance shall be valid for four years for all rental units, unless suspended as set forth in subsection (g) of this section. The administrator may authorize up to eight additional months on the certificate of a dwelling for the sole purpose of balancing inspection workloads for the city.

(e) *Expiration.* Certificates of compliance and temporary certificates of compliance may not be extended beyond their expiration dates except as may be permitted in subsections (c) or (d) of this section to enable the department of inspections to balance inspection workloads.

(f) *Length of time certificate of compliance is valid.* Any new certificate of compliance issued to an owner for a dwelling shall have an expiration date four years from the date of issuance, except that if a temporary certificate has been previously issued, the certificate shall expire four years from the date the temporary certificate was issued.

(g) *Suspension.*

- (1) The director of inspections shall suspend a certificate of compliance if the owner or responsible local agent has not complied with a complaint notice. The administrator shall issue a notice of suspended certification to the owner or responsible local agent. The notice of suspended certification will inform the owner or responsible local agent:
 - a. That the certificate of compliance has been suspended as of the date of the notice.
 - b. Of the reason for the suspension.
 - c. That it is unlawful for any rental unit to continue to be occupied for more than 60 days after the date of suspension of the certificate of compliance, or, if substantial and immediate danger to life, health or safety exists, that no occupancy may occur after the suspension and the property shall be immediately vacated.
 - d. That any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or reoccupied until the certificate of compliance is reinstated or a new certificate of compliance is issued.
- (2) Failure to comply with the terms of suspension as set out in this subsection shall be a violation of this article.

(h) *Reinstatement of suspended certificate of compliance.* A suspended certificate of compliance shall be reinstated if the city determines that a rental dwelling has been brought into compliance with the standards of this article and that the charges made under subsection (b) of this section have been paid. The city shall notify the owner or responsible

agent by regular mail, noting the reinstatement of the certificate of compliance of the rental dwelling. Reinstatement of the certificate shall not extend or change the expiration date of the certificate. A reinstatement fee and all inspection fees and amounts to be determined by the city commission shall be paid by the owner prior to reinstatement of the certificate.

(i) *Appeal.* Suspension of a certificate of compliance may be appealed to the housing board of appeals as provided for in this article.

(j) *Notifying tenants of suspended certificate.* The city shall send a copy of a notice of suspended certificate to each dwelling unit within a certified rental dwelling. The copy shall be addressed to "occupant" and shall be sent by regular mail. Failure of an occupant to receive a copy shall not invalidate any other proceedings authorized by this article.

(k) *Certification fees.* The director of inspections, subject to approval by the city commission, shall establish and charge a uniform and reasonable fee for certification from time to time.

(Code 1975, § 4-83; Code 2002, § 10-352; Ord. No. 2052, 8-28-2001)

CITY OF MUSKEGON

By _____
Ann Meisch, MMC
City Clerk

CERTIFICATE

The undersigned, being the duly qualified clerk of the City of Muskegon, Muskegon County, Michigan, does hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Muskegon, at a regular meeting of the City Commission on the 22nd day of September, 2015, at which meeting a quorum was present and remained throughout, and that the original of said ordinance is on file in the records of the City of Muskegon. I further certify that the meeting was conducted, and public notice was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan of 1976, as amended, and that minutes were kept and will be or have been made available as required thereby.

DATED: September 22, 2015

Ann Meisch, MMC
Clerk, City of Muskegon

Publish: October 1, 2015

Notice of Adoption to be published once within ten (10) days of final adoption.

**CITY OF MUSKEGON
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on September 22, 2015, the City Commission of the City of Muskegon adopted an amendment to Chapter 10 "Buildings and Building Regulations," Article VI "Property Maintenance Code," Division 2, Subdivision III. "Rental Property," Section 10-352 of the Code of Ordinances of the City of Muskegon, whereby the following changes were made:

Section 10-352(b) was amended to clarify that a certificate of compliance may be suspended if any fees and debts to the city are incurred and not paid in full after the initial issuance of the certificate.

Section 10-352(b)(5) was amended to clarify that the fees, fines, penalties or debts that must be paid to maintain a valid certificate of compliance may be based on any provision within all of Chapter 10, not only under the property maintenance code.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours.

This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: October 1, 2015

By: Ann Meisch, MMC, Its Clerk

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